Message Text

UNCLASSIFIED

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ORIGIN OPIC-12

INFO OCT-01 EA-11 ISO-00 EB-11 AID-20 L-03 INR-10 /068 R

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R 071320Z NOV 73 FM SECSTATE WASHDC TO AMEMBASSY JAKARTA

UNCLAS STATE 219416

E.O. 11652: N/A TAGS: EFIN, ID

SUBJ: OPIC DELEGATION OF AUTHORITY TO USAID DIRECTOR CASHIN;

REF: (A) STATE 205382 (B) JAKARTA 12852

- 1. PRIOR EMBASSY/USAID CABLE INDICATES USAID DIRECTOR CASHIN WILL ACT FOR OPIC ON SECURITY ARRANGEMENTS; DELEGATION OF AUTHORITY FOLLOWS.
- 2. PURSUANT TO THE AUTHORITY DELEGATED TO THE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORARTION ("OPIC") BY ITS BOARD OF DIRECTORS THROUGH ITS DULLY ADOPTED BY-LAWS AND REDEL EGATED TO

	Application No.	Applicant(s)
	09/423,545	SHIBATA ET AL.
Office Action Summary	Examin r	Art Unit
	Anish Gupta	1653
The MAILING DATE of this communicati n appears on the cover sh et with th corr spond nce addr ss Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status		
1) Responsive to communication(s) filed on <u>24 October 2001</u> .		
2a) ☐ This action is FINAL . 2b) ☑ Thi	is action is non-final.	
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) Claim(s) 1-16 is/are pending in the application.		
4a) Of the above claim(s) 3-5,7 and 9-14 is/are withdrawn from consideration.		
5) Claim(s) is/are allowed.		
6) Claim(s) <u>1,2,6,8,15 and 16</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or election requirement.		
Application Papers		
9) ☐ The specification is objected to by the Examiner.		
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12)☐ The oath or declaration is objected to by the Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) ☐ All b) ☐ Some * c) ☐ None of:		
1. Certified copies of the priority documents have been received.		
2. Certified copies of the priority documents have been received in Application No		
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 		
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)

Application/Control Number: 09/423,545

Art Unit: 1653

DETAILED ACTION

Election/Restriction

1. Applicant's election of the species of Compound 23, SEQ ID NO. 31 in Paper No. 12 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

A search was conducted for the elected species of SEQ ID. NO. 31. No prior art was found on the elected species and the search was subsequently extended to the peptide corresponding to the peptides of claim 15-16. Prior art was found on the species corresponding to SEQ ID. NO. 5 and an office action corresponding to this species follows below. Claims 1, 2, 6, 8, 15 and 16 read on the elected species. Prior art on a non-elected species corresponding to the markush claim 1 has also been applied.

Claims 3-5, 7, 9-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 12.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 6, 8, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear as to the definition of the variable ni. In line 15, the claim states that ni is 1 to 17, however, in line 17 and 18, ni is defined as 0 or 1. Clarification is requested.

The claims make reference to residues X^p and X^q . However, there is no antecedent basis for these variables in the formula. It is unclear where such residues occur within formula (I) and how these variables affect the structure of the formula.

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In claim 1, it is unclear what is being claimed. Claim states that "7 to 17 different X's are selected, arranged in order of increasing number of I. . ." It is unclear which one of the X^i s are arranged in this manner. Note that the claim allows for all of the X variable to be X^i . Further, it is unclear how these variables, X^i are related to X^p or X^q .

In claim 1, it is unclear what residues in the formula the statement "one to several residues which are the same or different and selected from the group selected from. . . .", at the end of claim 1, is defining. That is, does this definition encompass a specific X variable or amino acids are the N- and C- terminus?

Claim 1 does not utilize proper markush language. Note that the end of claim 1 stats "selected from the group consisting of" but does not use "and." Appropriate correction is required.

In claim 1, it is unclear as to the intent of bracketing and underlining. Bracketing or underlining are commonly used to indicate amendments or changes in the claims as provided in 37 CFR 1.121(a)(2)(ii) and are normally not intended to be printed in the published patent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Halazonetis et al.

The claims are drawn to cyclic peptide having an activity to restore the DNA-binding activity or the P53 protein-dependent transcription activity to mutant P53 protein.

The reference teaches the peptide cyclo[Ser-Arg-His-Lys-Lys-Ala] (see page 29). This peptide has the ability to activate DNA binding of P53 (see abstract and page 29). The peptide anticipates the claimed invention since the claims allow for deletions and modification of formula (I) in claim 1 in the application.